

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARY F. CALHOUN

Plaintiff

v.

UNITED STATES OF AMERICA,

Defendant.

Civ. No. 04-10210-DPW

NOTICE OF FILING

PLEASE TAKE NOTICE that on this day the original certified or attested to copies of the state court pleadings received from the Clerk of District Court, in the County of Worcester, Westborough, Massachusetts, were filed in the United States District Court.

MICHAEL J. SULLIVAN,
UNITED STATES ATTORNEY

BY:

Christopher Alberto
Assistant U.S. Attorney
One Courthouse Way
Boston, MA 02210
(617) 748-3100

I hereby certify that a true copy of the
above document was served upon each
party appearing pro se and the attorney of
record for each other party by mail on

Assistant U.S. Attorney

5

Commonwealth of Massachusetts

Worcester, ss.

**District Court Department
Westborough Division
Westborough, MA 01581**

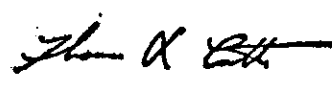
Docket No. 0467 CV 38

Plaintiff: Mary F. Calhoun

Defendant: United States Postal Service

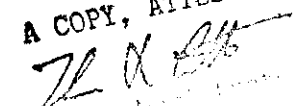
In the above entitled action, is hereby transferred to the United States District Court
1 Court House Way
Suite 9200
Boston, MA 02210

Dated: 2/12/04



Thomas X. Cotter, Clerk Magistrate

cc: Rickie T. Weiner, Esq.

A COPY, ATTEST:

Clerk Magistrate

United States Postal Service

Michael J. Sullivan, Esq.
United States Attorney
1 Courthouse Way
Suite 9200
Boston, MA 02210

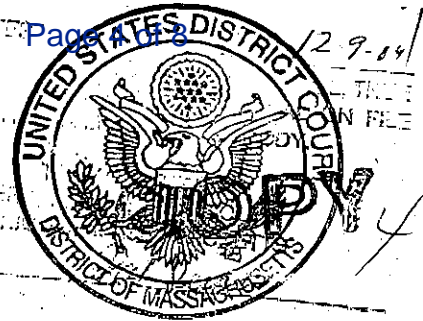
☐ OTHER CIVIL

1327A000001/15/04CIVIL ENTR	180.00
1327A000001/15/04SURCHARGE	15.00

☐ SUMMARY PROCESS

SS
A COPY. ATTEST:
7/10/84
JUDGMENT TOTAL
\$
EXECUTION TOTAL
\$

COUNTERCLAIM
EXECUTION TOTAL



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED

CLERK'S OFFICE

MARY F. CALHOUN

Plaintiff,

2004 JAN 29 Civil Action No. 04 10210 DPW

v.

U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA,

Defendant.

04 10210 DPW

NOTICE OF REMOVAL

The Defendant, United States Postal Service, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts hereby gives notice pursuant to 28 U.S.C. § 1446(a) of its removal of this lawsuit to the United States District Court for the District of Massachusetts. As grounds for the removal, the defendant United States herein informs the Court that the Defendant is a federal entity and jurisdiction is not proper in the State Court¹. The USPS is entitled to remove the action pursuant to 28 U.S.C. § 2679(d)(2).

RECEIVED

FEB 11 2004

1/29/04

UNITED STATES POSTAL SERVICE

By its attorney,

MICHAEL J. SULLIVAN,
United States Attorney,

Christopher Alberto
Assistant U.S. Attorney
1 Courthouse Way,
Suite 9200
Boston, MA 02210
(617) 748-3311

A COPY, ATTEST:

¹By moving to remove this case from State Court, the United States Postal Service is not conceding that service of process was properly made. The United States Postal Service reserves its rights to make jurisdictional arguments in Federal Court.

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

District Court Department
Westborough Division
Civil Action No. 0467 CV 38

MARY F. CALHOUN
Plaintiff

v.

UNITED STATES
POSTAL SERVICE
Defendant

CLAIM FOR JURY TRIAL

In accordance with M.G.L. Chapter 231, § 103, the Plaintiff hereby
makes a Claim for Jury Trial in the Westborough District Court on all issues.

Dated: January 14, 2004

MARY F. CALHOUN
By Her Attorney,

Rickie T. Weiner

Rickie T. Weiner, Esquire, BBO #548524
ELLIS LAW OFFICES, LLP.
33 Pleasant Street, Suite 2
Worcester, MA 01609
Tel. (508) 757-7451

A COPY, ATTEST:

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7/11/04
CLERK/REGISTRAR

2

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

District Court Department
Westborough Division

Civil Action No. 0467-CR-38

MARY F. CALHOUN
Plaintiff

v.

UNITED STATES
POSTAL SERVICE
Defendant

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JAN 15 2004

[Signature]
CLERK/REGISTRAR

UNIFORM COUNSEL CERTIFICATION
FOR CIVIL CASES

I am the attorney-of-record for : MARY F. CALHOUN

☒ Plaintiff(s) ☐ Defendant(s) ☐ Third Party Defendant(s) ☐ Petitioner

in the above entitled matter.

In accordance with Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1: 18) which states in part: A...Attorneys shall: provide their clients with this information about court-connected dispute resolution services; discuss with their clients the advantages and disadvantages of the various methods of dispute resolution; and certify their compliance with this requirement on the civil cover sheet or its equivalent..., B... I hereby certify that I have complied with this requirement.

Attorney-of-Record for the Plaintiff(s)

Rickie T. Weiner

Date: January 14, 2004

Rickie T. Weiner, Esquire, BBO #548524
ELLIS LAW OFFICES, LLP.
33 Pleasant Street, Suite 2
Worcester, MA 01609
(508) 757-7451

A COPY, ATTEST:

[Signature]

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

District Court Department

Westborough Division

Civil Action No. 2407-CK-38

MARY F. CALHOUN

Plaintiff

v.

UNITED STATES
POSTAL SERVICE

Defendant

COMPLAINT

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[Signature]
CLERK/MAGISTRATE

COUNT I

1. The Plaintiff, Mary F. Calhoun, is a resident of Worcester, County of Worcester, Commonwealth of Massachusetts.
2. The Defendant, United States Postal Service, is a business entity of the Federal Government with offices in the Commonwealth of Massachusetts.
3. The Plaintiff, Mary F. Calhoun, says that on October 9, 2002, the Defendant, United States Postal Service, its agent, servant, and/or employee, so negligently operated a motor vehicle on Park Avenue, a public way in the City of Worcester, County of Worcester, so that it struck the motor vehicle owned and operated by the Plaintiff, Mary F. Calhoun.
4. As a result thereof, the Plaintiff, Mary F. Calhoun, sustained severe injuries and was prevented from transacting her business, suffered great pain of body and mind and incurred medical and hospital expenses in excess of \$2,000.00, which permits this action to be brought under the provisions of Massachusetts General Laws, Chapter 231, § 6D.

WHEREFORE, the Plaintiff, Mary F. Calhoun, demands judgment against the Defendant, United States Postal Service, together with interest and costs.

Dated: January 14, 2004

MARY F. CALHOUN

By Her Attorney,

Rickie T. Weiner

Rickie T. Weiner, Esquire, BBO #548524

ELLIS LAW OFFICES, LLP.

33 Pleasant Street, Suite 2

Worcester, MA 01609

(508) 757-7451

A COPY, ATTEST:

[Signature]

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

District Court Department
Westborough Division
Civil Action No. _____

MARY F. CALHOUN
Plaintiff

v.

UNITED STATES
POSTAL SERVICE
Defendant

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JAN 15 2004

[Signature]
CLERK/MAGISTRATE

STATEMENT OF DAMAGES

☒ Plaintiff(s) ___ Defendant ___ Other (specify) _____ in the

above-captioned action, hereby assert that the money damages sought by means of the

☒ Complaint ___ Crossclaim ___ Counterclaim, to which this Statement of Damages

is attached, amounts to \$24,999.99.

Signed:

Rickie T. Weiner

Dated: January 14, 2004

Rickie T. Weiner, Esquire, BBO #548524
ELLIS LAW OFFICES, LLP.
33 Pleasant Street, Suite 2
Worcester, MA 01609
Tel. (508) 757-7451

A COPY, ATTEST:

[Signature]
CLERK/MAGISTRATE